

MURRAY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5<sup>TH</sup> STREET  
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

In the Matter of:

Pohlman, Inc.  
Chesterfield, Missouri

Respondent

CAA Docket No. 07-2001-0090

CONSENT AGREEMENT AND FINAL ORDER

This proceeding for the assessment of a civil penalty was initiated on or about September 20, 2001, pursuant to Section 113(d) of the Clean Air Act (hereinafter CAA), as amended 42 U.S.C. § 7413(d), when the United States Environmental Protection Agency (hereinafter Complainant or EPA) issued to Pohlman, Inc., Chesterfield, Missouri (hereinafter Respondent) a Complaint and Notice of Opportunity for Hearing (hereinafter Complaint).

The Complaint charged Respondent with violation of a requirement or prohibition of an applicable state implementation plan, approved by the EPA pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, and federally enforceable pursuant to Section 113 of the CAA, 42 U.S.C. § 7413.

The Complaint proposed a civil penalty of One Hundred Eight Thousand and Nine Hundred Dollars (\$108,900) for such violation.

The Complainant and Respondent entered into negotiations in an attempt to settle the allegations contained in the Complaint; this Consent Agreement and Final Order are the result of such negotiations.

CONSENT AGREEMENT

Complainant and Respondent hereby agree as follows:

1. Respondent admits the jurisdictional allegations of the Complaint, and neither admits nor denies the factual allegations of the Complaint.
2. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth in the Complaint.

3. Respondent and Complainant agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees incurred as a result of this matter.

4. Respondent certifies by the signing of this Consent Agreement and Final Order that Respondent eliminated the Stoddard metal cleaner that was the subject of the violations alleged in the complaint. By eliminating the Stoddard metal cleaner, Respondent eliminated the use of most volatile organic compounds (VOCs) from Respondent's solvent metal cleaning process.

5. Respondent certifies by the signing of this Consent Agreement and Final Order that Respondent is presently in compliance with all requirements of Section 10 C.S.R. 10-5.300, "Control of Emissions From Solvent Metal Cleaning" of the Missouri Air Pollution Control Rules, approved by the EPA pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, and federally enforceable pursuant to Section 113 of the CAA, 42 U.S.C. § 7413.

6. Respondent submitted reliable financial documentation establishing that Respondent did not have the ability to pay the proposed penalty. Based upon this documentation, Complainant determined that Respondent had the ability to pay a penalty of Ten Thousand Dollars (\$10,000).

7. Respondent agrees to pay a civil penalty of Ten Thousand Dollars (\$10,000), based upon Respondent's ability to pay, within thirty (30) days of the entry of the Final Order herein. Payment shall be by cashier's check or certified check made payable to the "United States Treasury" and remitted to:

EPA-Region VII  
c/o Mellon Bank  
P.O. Box 360748M  
Pittsburgh, Pennsylvania 15251

8. Respondent's failure to pay any portion of the civil penalty assessed herein may result in commencement of a civil action in Federal District Court to recover the amount due, together with interest thereon, as set forth in CAA Section 113(d), 42 U.S.C. 7413(d).

9. Respondent agrees not to deduct the cost of the civil penalty to be paid pursuant to paragraph 6 above, for federal, state or local tax purposes.

10. This executed Consent Agreement and Final Order shall be filed with the Regional Hearing Clerk, U.S. Environmental Protection Agency, 901 North 5<sup>th</sup> Street, Kansas City, Kansas 66101.

In the Matter of  
Pohlman, Inc.

COMPLAINANT:

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY

By Julie L. Murray  
Julie L. Murray  
Senior Assistant Regional Counsel

Date 5-14-02

RESPONDENT:

POHLMAN, INC.

By Harold L. Studt III  
Harold L. Studt III

Title Senior Vice President of Operations

Date 10-May-02

In the Matter of  
Pohlman, Inc.

FINAL ORDER

Pursuant to the provisions of the CAA, 42 U.S.C. § 7401 et seq., the foregoing Consent Agreement is hereby approved and incorporated by reference into this Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement, effective immediately.

Karina Borromeo

Karina Borromeo  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region VII

June 3, 2002

Date

In the Matter of  
Pohlman, Inc.  
Docket No. CAA-07-2001-0090

IN THE MATTER OF Pohlman, Inc., Respondent  
Docket No. CAA-07-2001-0090

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to  
Attorney for Complainant:

Julie Murray  
Senior Assistant Regional Counsel  
Region VII  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Eugene P. Schmittgens, Jr.  
Greensfelder, Hemker & Gale, P.C.  
2000 Equitable Building  
10 South Broadway  
St. Louis, Missouri 63102-1774

and


Copy by facsimile and  
First Class Pouch Mail to:

The Honorable Susan L. Biro  
Chief Administrative Law Judge  
U. S. Environmental Protection Agency  
401 M Street, S.W./Mail Code 1900L  
Washington, D. C. 20460

and

The Honorable Barbara A. Gunning  
Administrative Law Judge  
U. S. Environmental Protection Agency  
401 M Street, S.W./Mail Code 1900L  
Washington, D. C. 20460

Dated: 6/13/02

  
Kathy Robinson  
Regional Hearing Clerk